

**ADOPTION  
ASSISTANCE  
DURATION**

Adoption assistance eligibility shall exist until one of the following events occurs:

- The child becomes age 18.
- The child has not yet reached age 18 but is emancipated by any of the following:
  - Court order.
  - Marriage.
  - Entering the military service.
- The child dies.
- The adoption is terminated.
- The adoptive parent has requested in writing that the adoption assistance payment permanently stop.
- A determination of ineligibility is made by the Department of Health and Human Services. One or more of the following are reasons for a determination of ineligibility:
  - The adoptive parent dies, unless a full legal guardian is appointed by the court and requests continuation of the adoption assistance through the state-funded program.
  - The adoptive parent(s) is no longer legally responsible for the support of the child.
  - The adoptive parent(s) is not providing any support for the child. Support includes various forms of financial support such as payments for therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs. If the state determines that the parent is providing some form of financial assistance to the child, the state may continue the adoption assistance after renegotiation of the ongoing monthly adoption assistance payment and signatures by the adoptive parent(s) and the adoption subsidy program manager or DHHS designee on the renegotiated agreement.

**Reporting  
Changes**

The adoptive parent(s) must notify the Adoption Subsidy Office in writing within two weeks after any of the above changes occur. Recoupment procedures will be followed for overpayments.

**Notice of  
Agreement  
Termination**

The Adoption Subsidy Office must notify the adoptive parent(s) of adoption assistance agreement termination by a DHS-4103, Adoption Assistance Case Closure/Overpayment Notice.

**Adoption Medical  
Subsidy Duration**

**Note:** Adoption medical subsidies are not title IV-E funded or subject to title IV-E regulations.

Adoption medical subsidy eligibility exists until one of the following events occurs:

- The child becomes age 18.
- The child has not yet reached age 18 but is emancipated by any of the following:
  - Court order.
  - Marriage.
  - Entering the military service.
- The child dies.
- The adoption is terminated.
- A determination of ineligibility is made by the Department of Health and Human Services based on one or more of the following:
  - The certified condition(s) no longer exists.
  - The family receives a Family Support Subsidy for the child from the Michigan Community of Mental Health.
  - The adoptee is removed from the home as a temporary court ward due to delinquency or due to a child protective

proceeding (MCL 712A.2(a) or.2(b)), including when an adoptee is residing with his/her parents and under jurisdiction of the court.

- The adoptive parent(s) dies, unless a full legal guardian is appointed by the court and requests continuation of the adoption medical subsidy.

### Reporting Changes

The parent must notify the Adoption Subsidy Office in writing within two weeks after any of the above events occur. Recoupment procedures will be followed for changes not reported timely.

### Notice of Agreement Termination

The family must be notified of the adoption medical subsidy agreement termination due to one or more of the above events by a DHS-4103, Adoption Assistance Case Closure/Overpayment Notice, from the Adoption Subsidy Office. Recoupment of excess payments will be initiated, if necessary.

### CHILD MADE A TEMPORARY COURT WARD

#### Adoption Assistance

The adoption assistance must continue in accordance with MCL 400.115j, for children removed from his or her home due to delinquency as temporary court ward based on proceedings under MCL 712A.2(a).

When children are removed from the home due to a child protective proceeding under MCL 712A.2(b), the adoption assistance must continue unless the adoptive family is no longer providing any support for the child. Support includes various forms of financial support such as payments for therapy, tuition, clothing, maintenance of special equipment in the home, or services for the child's special needs. If the state determines that the parent is providing some form of financial support to the child, the state may continue the adoption assistance after renegotiation of the ongoing monthly adoption assistance payment and signatures by the

adoptive parent(s) and the adoption subsidy program manager or DHHS designee on the renegotiated agreement.

### **Reimbursement of Cost of Care or Services**

MCL 712A.18(2) requires a court to order reimbursement of the costs of care or service when children are placed outside of the home. MCL 712A.18(3) permits the court to order reimbursement of the costs of service when children are placed in their own home. These provisions restrict the court from assessing the adoptive parent for the cost of care or services higher than the amount of the adoption assistance monthly payment.

### **Adoption Medical Subsidy**

When a child is either removed from the home or remains in the home as a temporary court ward due to delinquency or a child protective proceeding, medical subsidy shall not pay for the following services:

- Behavioral services.
- Temporary out-of-home placement.
- Placement outside of a family home.
- Step-up services.
- Residential services.
- Step-down services.

**Note:** Medical subsidy may continue to pay for counseling services for a child who had existing counseling services being paid for through the medical subsidy program with an established provider.

The medical subsidy services listed above may be reopened once the child is no longer a temporary court ward or under court supervision/jurisdiction. Copies of the court's disposition, discharge, and probationary terms must be submitted to the Adoption Subsidy Office to determine whether the child is eligible for the above medical subsidy services.

**GUARDIANSHIP  
AFTER THE DEATH  
OF THE ADOPTIVE  
PARENT (STATE  
FUNDED  
ASSISTANCE)****Adoption  
Assistance and  
Adoption Medical  
Subsidy**

MCL 400.115j(8) states, "Upon the death of the adoptive parent, the department shall continue making adoption assistance payments or continue medical subsidy eligibility, or both, to the guardian of the adoptee if a guardian is appointed as provided in section 5202 or 5204 of the Estates and Protected Individuals Code, 1998 PA 386, MCL 700.5202 and 700.5204."

**Note:** State-funded adoption assistance and/or medical subsidy payments will not be paid to the child's birth parent(s) or legal parents whose rights were previously terminated and are later appointed as guardian(s).

Adoption Assistance/Subsidy agreements with guardians are state-funded and do not include Medicaid coverage for the child through the adoption assistance program. The guardian may apply for Medicaid for the child through the local DHHS office.

A court-appointed guardian may request ongoing monthly adoption assistance payment and/or medical subsidy to continue. The guardian must contact the Adoption Subsidy Office in writing to request the adoption assistance/subsidy agreement(s). A copy of the following documentation is required to establish the adoption assistance/subsidy:

- Adoptive parent's death certificate.
- Guardianship court order.
- Guardian's Social Security card or equivalent verification of the guardian's Social Security number.

The Adoption Subsidy Office will send an agreement in the name of the guardian to the guardian for signature, if approved. When the signed agreement is returned to the Adoption Subsidy Office it will be signed by the adoption subsidy program manager or DHHS designee. A copy of the signed agreement will be mailed to the

guardian. Payments may be made retroactive to the date the guardian was appointed by the court or the date of the last adoption assistance payment, whichever is later.

**Adoption by the  
Guardian**

In cases where a guardian appointed after the death of the adoptive parent(s) is receiving adoption assistance and subsequently applies to adopt the child, a DHS-1341, Adoption Assistance Application, must be submitted to the Adoption Subsidy Office prior to the final order of adoption. If the child is determined eligible as a special needs child, an adoption assistance agreement must be signed by the adoptive parent(s) and the adoption subsidy program manager or DHHS designee prior to the final order of adoption. If the child was eligible for title IV-E adoption assistance in the previous adoption, the title IV-E funding eligibility will be available for the subsequent adoption.